

an intermediate segment configured to traverse a portion of the user's nose located between the first and second nasal passages; and a resilient member having an adhesive substance thereon, the resilient member having an adherence surface and being included in at least a portion of the first and second end regions and the intermediate segment, the resilient member having the adhesive substance thereon being on the adherence surface thereof which adherence surface faces at least in part the same way as do said first and second end region surfaces to thereby have said adhesives thereat available to engage the outer wall tissues, the resilient member being capable, at least in part, of resilient deformation that tends to cause the first and second end regions to separate from one another after being urged toward one another to give the truss member a tendency to return to its initial state when flexed to thereby act to stabilize the outer wall tissue if engaged therewith and so prevent the outer wall tissues of the first and second nasal passages from drawing in during breathing, the truss member including an adhesive void and configured to extend about a user's nose such that the intermediate segment traverses an exterior region of the bridge of a nose with the adhesive void located between the truss member and the bridge.

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32. (Five Times Amended) A nasal dilator capable of introducing separating stresses in outer wall tissues of a user's nose, said dilator comprising:

a truss having a resilient member and adhesive therein and having a pair of spaced apart end surfaces with an intermediate segment therebetween such that forcing said end surfaces toward one another from initial positions to substantially reduce direct spacing therebetween by a spacing reduction force external to said truss results in restoring forces in said truss tending to restore said direct spacing between said end surfaces, said resilient member having an adherence surface with adhesive on

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that adherence surface thereof said adherence surface directions at least in part that are faced by said end surfaces of said truss; and

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engagement means adhered to said end surfaces and capable of sufficiently engaging exposed surfaces of such outer wall tissues adjacent thereto faced by said end surfaces to remain so engaged against said restoring forces and to hold said truss substantially conformed about said outer wall tissues but without at least a substantial portion of said intermediate segment being so engaged with said outer wall tissues adjacent thereto when concurrently in contact therewith.

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36. (Six Times Amended) A nasal dilator capable of introducing separating stresses in outer wall tissues of a user's nose, said dilator comprising:

a truss having both a flexible strip of material and a resilient member adhered therein, and further having a pair of spaced apart end surfaces with an intermediate segment therebetween such that forcing said end surfaces toward one another from initial positions to substantially reduce direct spacing therebetween by a spacing reduction force external to said truss results in restoring forces in said truss tending to restore said direct spacing between said end surfaces, said resilient member having an adherence surface with an adhesive on that adherence surface thereof, said adherence surface facing directions at least in part that are faced by said end surfaces of said truss as adhered therein; and

engagement means adhered to said end surfaces and capable of sufficiently engaging exposed surfaces of such outer wall tissues faced by said end surfaces to remain so engaged against said restoring forces.

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41. (Thrice Amended) A nasal dilator capable of introducing separating stresses in outer wall tissues of a user's nose, said dilator comprising:

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a truss having both a flexible strip of material and a resilient member therein, and further having a pair of spaced apart end surfaces such that forcing said end surfaces toward one another from initial positions to substantially reduce direct spacing therebetween by a spacing reduction force external to said truss results in restoring forces in said truss tending to restore said direct spacing between said end surfaces, said resilient member and said flexible strip of material each having an adherence surface and with an adhesive on that adherence surface thereof, said adherence surfaces both facing directions at least in part that are faced by said end surfaces; and engagement means adhered to said end surfaces and capable of sufficiently engaging exposed surfaces of such outer wall tissues faced by said end surfaces to remain so engaged against said restoring forces including having any portions of said flexible strip of material positioned against these outer wall tissues as a result of such engaging thereof being directly adhered to those outer wall tissues.

REMARKS

This communication is in response to the Action of December 20, 2000. In that Action, claims 2, 4 through 7, 16, 21, 23, 27 through 31, 39 and 41 through 44 were allowed, and claims 3, 24 through 26, 32 through 34, 36 through 38, 40 and 45 through 48 were rejected. Claim 35 was objected to as depending on a rejected claim but was otherwise found allowable if rewritten in independent form. The applicants have amended claims 3, 32, 36 and 47 to further clarify them.

The applicant's attorney initiated a telephone interview with the Examiner on April 2, 2001. In that telephonic interview, the applicant's attorney inquired as to what the difficulties were in the present wordings of the rejected independent claims, specifically claims 3 and 32. The Examiner indicated that inferential claiming of a surface of the resilient member in these claims needed clarification through positive recitation thereof, and that the relationship of that surface with adhesive recited in the claims needed clarification.